

# Last Will and Testament of John W Martin

I, John W Martin of the County of Ashe in the State of North Carolina, being of sound mind and disposing memory, and knowing the uncertainty of this mortal life, do hereby make, publish and declare this my last Will and Testament, in manner and form following, that is to say,

Item

I will and devise that all my just debts, however and to whomsoever owing to be paid by my Executor herein after appointed, and of the first moneys coming into his hands.

Item

I give, will, bequeath & devise to my dear devoted niece Rebecca Ann Elizabeth Willborn my home tract of land lying upon Peck Creek & Brush Fork containing three hundred and twenty acres, more or less, being the tract whereon I now reside, embracing my improvements. Also another tract known as The Williams land containing eighty acres, lying upon the waters of Peck Creek. Also another tract of fifty acres that was granted to me from the State, adjoining my home tract on the East. Also another tract containing fifty acres, known as The Miles place also adjacent to my home tract. And also one other small tract, containing thirty acres and known as the Patrick tract adjoining my home tract on the North West. All the foregoing tracts being accurately described & located by my several deeds and containing in the aggregate five hundred and thirty acres by

the deeds, be the same more or less. To have and to hold the said tracts of land with all the appurtenances thereunto belonging to her the said Rebecca A & Willborn, and to her heirs and assigns forever in fee simple & absolute. I also give and bequeath to my <sup>dear</sup> niece Rebecca A & Willborn all my household and kitchen property

Item

I give, bequeath & devise to my niece Catherine Adeline Francis Vannoy wife of Harvey Vannoy one tract of land on Peck Creek known as The Woodie tract containing by my deed two hundred acres, more or less. To have and to hold the same to her self & separate use & benefit free from the control of her said husband & not subject to any right or interest of by the courtesy of him - in the event of her death he surviving.

Item

I give, will, bequeath & devise to my dear niece Rebecca A & Willborn and to my nephew Isaac C Willborn my mill tract of land and mill, containing about fifty acres lying on Peck Creek and being the land I purchased from Mr. Stampers. To have and to hold the said tract of land with all the appurtenances thereunto belonging to them and to their heirs and assigns forever in fee simple and absolute. And the joint interest in this bequest given to my niece R A & Willborn constitutes all her share in my estate - except the gifts that have or may hereafter make and deliver to her.

Item

All the remainder & residue of my

estate both real and personal. I bequeath & devise to the children of my sister Mary W Willbourn except Rebecca A & Willbourn to be equally divided among them. And I hereby empower my Executor hereinafter named, to sell any lands for the purpose of division either publicly or privately as may be most advantageous.

Item 6th & lastly

I hereby nominate, appoint & constitute my nephew Isaac C Willbourn my Executor to this my last Will and Testament with full power to execute the same according to the true intent and meaning of the ~~same~~ hereby revoking all other wills ~~and~~ testaments by me made previously.

In testimony whereof I have hereunto set my hand and Seal April the 30th A.D. 1876. in the presence of these witnesses whose names I have requested to witness the same

J. H. Norris  
E. C. Hartog

John W. Mortimer

State of North Carolina }  
Ashe County

In the Probate Court  
June 18th 1877

Isaac C Willbourn the Executor of the last will & Testament of J. W. Mortimer does produce the said will in our said Court for the purpose of having the same proven & recorded

And upon the testimony of Elijah Hartog & Fletcher Norris the subscribers being witnesses thereto, which is in substance as follows. They both state they assigned the said will as witnesses thereto at the very most

and in the presence of the said J. W. Mortimer. That they saw the said testator assign the said will and heard him acknowledge the same to be his own act and deed. That he the said testator, at the time of executing the same was of sound & disposing mind & memory. Whereupon it is adjudged that the said will is duly proven & the same with this certificate is ordered to be recorded

E. W. Ray  
Judge of Probate